IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the April 20th, 2006

Criminal Misc. Second Bail Application No.312 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Sanjay S/o Sukhbir
R/o village Kundi Netwala
P.S. Laksar
District Haridwar …Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of case crime No.168 of 2005
Under Sections 376 IPC
P.S. Laksar
District Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Parikshit Sainia learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. This is the second bail application. The first bail application has been rejected for want of prosecution.

The victim is handicapped and the rape was committed upon her. According to the medical report of the girl, the hymen was found ruptured. It was further contended that the applicant has been falsely implicated in this case due to political rivalry. Learned A.G.A. refuted the contention and contended that a lady would never come forward to say that she had been raped by the accused. It is a serious blow to her supreme honour and offends her self-esteem and dignity. As such, no women will come forward to say that her honour and dignity has been snatched by the accused. The statements recorded under sections 161 & 164 Cr.P.C. reveals that the rape was committed upon her. Considering the contentions, facts and circumstances of the case, it is not a fit case for bail. Therefore, the second bail application is hereby rejected. Rejected.

Dated 20.04.2006 **(J.C.S. Rawat, J.)**

LSR